



U.S. Department of Justice

United States Attorney
Southern District of New York

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

March 20, 2024

By ECF

Hon. Gina R. Mendez-Miro
Jose V. Toledo U.S. Courthouse
300 Recinto Sur St., Suite 325
San Juan, Puerto Rico 00901

Re: Avraham Eisenberg v. Numeris Ltd. et al., 22 Cv. 1325 (GMM)

Judge Mendez-Miro:

The undersigned represents the United States Attorney's Office for the Southern District of New York in the criminal case against Avraham Eisenberg: *United States v. Avraham Eisenberg*, 23 Cr. 10 (S.D.N.Y.) (AS). The criminal case charges Mr. Eisenberg with commodities fraud, commodities manipulation, and wire fraud, arising from Mr. Eisenberg's attack on the cryptocurrency platform Mango Markets in October 2022.

We respectfully write to intervene in the above-captioned case for the limited purpose of requesting certified copies of ECF Dkt. 1 (the civil complaint) and ECF Dkt. 2, Exhibit 2 (Declaration of Avraham Eisenberg) in this civil case filed by Mr. Eisenberg.¹ The Government understands that the Court ordered that Exhibit 2 to ECF Dkt. 2, which is a declaration filed by Mr. Eisenberg, to be restricted on ECF. (ECF Dkt. No. 15.)

The Government respectfully requests a limited unsealing of that declaration for the purpose of the Government's trial against Mr. Eisenberg. Mr. Eisenberg's complaint in this case alleges a violation of the Commodities Exchange Act, which is the same statute that gives rise to his criminal charges. Accordingly, both the July 6, 2022 complaint and his supporting declaration are relevant evidence in the criminal case against him because, among other things, they show that Mr. Eisenberg knew what he was doing was wrong when committed commodities fraud and manipulation in October 2022.

None of the justifications in Mr. Eisenberg's motion to restrict (ECF Dkt. No. 7) apply to this request. The restriction would be lifted only for the limited purpose of using the declaration in the criminal case. Further, Mr. Eisenberg's motion for a temporary restraining order has been ruled on, and Mr. Eisenberg appears to have successfully served at least one of the defendants. (ECF Dkt. No. 40.) Accordingly, the Government respectfully requests that the declaration be unrestricted for this limited use.

¹ The Government is not seeking to make an appearance in this case, beyond this instant motion.

Accordingly, the Government is requesting certified copies of ECF Dkt. 1 and Exhibit 2 to ECF Dkt. 2, and the limited unsealing of docket entry two, so that the Government can introduce them at trial, which is scheduled to begin on April 8, 2024.

Respectfully submitted,

DAMIAN WILLIAMS
United States Attorney

by: /s/ *Tian Huang*
Thomas Burnett
Peter J. Davis
Assistant United States Attorneys

Tian Huang
Special Assistant United States Attorney

cc: Defense Counsel (By Email)